IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1959.

No. 266.

CENTRAL STATES DRIVERS COUNCIL; and INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, OVER-THE-ROAD AND CITY TRANSFER DRIVERS, HELPERS, DOCKMEN AND WAREHOUSEMEN, LOCAL NO. 147,
Petitioners,

vs.

NATIONAL LABOR RELATIONS BOARD,
Respondent.

MEMORANDUM

Of Recent Authority in Support of Petitioners' Motion for Leave to File a Petition for Rehearing of Order Denying Petition for Certiorari

and

PETITION FOR REHEARING

Of Order Denying Petition for Writ of Certiorari to the United States Court of Appeals for the District of Columbia.

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The sole purpose of this memorandum, which is submitted pursuant to Rule 41 (5), is to call to the Court's attention the recent decision in *Teamsters Local 107* v.

NLRB, ... F. 2d ..., 38 Labor Cases, ¶ 66,050 (D. C. Cir. 1959). In support of the petition for writ of certiorari, Petitioners pointed to the conflict within the District of Columbia Court of Appeals in decisions considering the proper scope of cease and desist orders issued under Section 8 (b) (4) (A) of the National Labor Relations Act (Pet., pg. 6). The Court of Appeals, in the *Teamsters Local 107* case, cited above, again denied enforcement of a broad order of the type challenged in this case. Nothing in its opinion, denying enforcement, suggests that peculiar factual circumstances supported the denial. Rather, it seems clear that the court below has adopted a policy, albeit inconsistently applied, of denying enforcement in such cases.

CONCLUSION.

For the foregoing reasons, it is respectfully urged that rehearing be granted and that upon such rehearing a writ of certiorari issue to the Court of Appeals for the District of Columbia.

Respectfully submitted,

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